



DUMFRIES, VIRGINIA

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Planning Commission Minutes 10/19/2015

WORK SESSION 6:00 pm

Present: Waggy, Webb, Padberg, Shoa, Arshad, West

Mr. Webb: Made a motion to remove adoption of Minutes from 9/14/2015, PC unanimously approved.

Spirit of Truth Deliverance Church:

Review prior to 7:00 Public Hearing. Applicants not present, review postponed until their arrival.

Offstreet Parking Ordinance Review:

Review prior to 7:00 Public Hearing. Mr. Webb commented that at the last meeting everyone was satisfied with it and that he is as well. All members agreed they were satisfied and to move forward.

Zoning Text Amendment 2015-002, B-1 Allowable Uses:

Ms. O'Dell: PC has received a ZTA request to allow for the parking of work trucks on private lots in the B-1 District. This started with 17785 Fraley Boulevard, when they applied for a Variance to allow for development in the RPA and Floodplain. The BZA approved the Variance request with 3 conditions: 1. A ZTA be approved to allow for that use on the property, 2. Have a pollution prevention plan approved by the Director of Public Works, 3. Submit a water quality impact assessment report to be approved by the Director of Public Works. This ZTA is to meet one of the conditions set forth by the BZA to allow for the Variance. By making this change in the Zoning Ordinance private parking of work trucks and related equipment would be allowed throughout the Town of Dumfries in the B-1 District, not just at 17785 Fraley Boulevard.

Ms. Waggy: This wouldn't be advantageous to anybody but the truckers. Expressed traffic and visibility concerns for oncoming traffic.

Ms. Barr: Family property was put up for sale. Could have sold the property for 100k if they could have used it for a car lot. Not being able to park on the property is a problem. Neighbors store a crane. Grace church is parking busses. Applicant expresses that they need the ZTA to park their 4 work pickup trucks, 2 dump trucks, and work equipment on the site. Engineers are currently working on water quality assessment. Does not believe that the ZTA is a condition of approval of the Variance, it was only a staff recommendation that she does not think the BZA agreed with. Problem is that this is the only piece of property that you are not allowed to park anything on. Applicant's Council changed the B-1 zoning when Kim Alexander was Town Manager. Now there are narrow strips of property that no one can do anything with, and VDOT will be taking half of them. This property is the only property without heavy equipment being parked on it. If the PC will not consider allowing a full text amendment making the use allowable, which will benefit the other properties,

Ms. Waggy: The Staff Report says that this will not only apply to your property but to the entire B-1 District. Waggy outlined the borders of the B-1 District.

Ms. Barr: Everyone else is already parking heavy equipment on their properties.

Mr. Webb: Asked if other properties were doing it and where.

Ms. Barr: Showed pictures of surrounding land uses with neighboring properties storing trucks and heavy equipment.

Ms. Waggy: These aren't all out on Rt. 1.

Mr. Webb: The cement plant you can see is a permitted use in the neighboring M-1 zoning district. When was your property changed to B-1? What was it before?

Ms. Barr: Her council modified the B-1 and removed automobile uses. People interested in the lot came to the Town and asked to use the property for a parking facility.

Mr. Webb: A property owner can park their car on the lot, but a parking facility is not allowed. Concern is that this type of construction parking is allowed in the B-1, construction companies will come in and park all of their equipment and vehicles throughout the entire Town.

Ms. Barr: Asks for a conditional use at the very least.

Mr. Webb: If the applicants were granted a conditional use then all surrounding property owners would try to do the same thing. This type of parking does not fit in with the B-1.

Ms. Barr: Expresses that this use and type of parking fit the B-1 before her Council changed the Zoning Ordinance, and that there is nothing in the B-1 that would work on her property. VDOT is about to expand Rt. 1 and no one is going to spend money on a property that they can't use. This is a disservice to the residents.

Mr. Webb: B-1 includes all allowable B-2 uses.

Ms. Barr: Reads off allowable uses in the B-1 District.

Mr. Padberg: Explains that the function of the work session is for understanding of the application. Applicant has done a good job of explaining why the property should be used for her intended uses.

Spirit of Truth Deliverance Church CUP:

Pastor Larry Brown: Describes nature of church operations. There are 21 paved marked parking spaces. Church only meets on Wednesday evenings and Sundays for a few hours. Other uses in the building include a speech therapist, and dentist.

Ms. Waggy: Asked for maximum seat capacity.

Pastor Brown: 35 maximum in the sanctuary. The activities involve mostly teaching in classrooms. They would also like to have after hours training.

Planned Mixed Use Development District:

Ms. O'Dell: The ZTA application was received to allow a district that offered a mix of uses, which the Town currently does not offer. The ZA began working on this several months ago. Most recently a Rezoning application was received that consisted of rezoning 4 different contiguous parcels into a mixed use development. With current zoning regulations this would be strategically difficult and the best approach would be to create a mixed use district that the property can be rezoned to. The new district would follow the trend of development occurring. Suggestions to the district include: 1. that all land rezoned from commercial to the PMUD maintain 40% commercial use, 2. Allowable Uses, 3. Open space requirements.

Mr. Foote: Represents application and Community Housing Partners. Comprehensive Plan represents a mixed use zoning district, but the ordinance lacks the language for the district. A planned mixed use district allows creative developments that do not meet typical zoning districts. This will include a Master Zoning Plan and proffered conditions. There are permitted uses listed and general regulations that must be followed. You create the uses to put into the areas. Open space, parking, setback, and waiver modification system regulations are some items included. Allows flexibility to design. This could allow a mixed use project of 26 acres to enter the Town. He is satisfied with the additional changes made by the ZA.

Mr. Arshad: Thinks it's a good idea. Does not like the restriction of a 10 acre lot. Height does not meet current regulations.

Comprehensive Plan Amendment:

Ms. O'Dell: Amendment allows for mixed use district.

Text Amendment 4, Entrance Corridor Overlay District:

Ms. O'Dell: The purpose is to guide aesthetics development at entryways into Town. Typical in localities, Dumfries does not have this type of ordinance.

Ms. Waggy: Thinks it's a good start.

Mr. Webb: Thinks that 10-15 years ago this was drafted. Unknown if there is evidence in any records. Recommends contacting Lou Praino. Has always believed that we should have the districts.

Mr. Padberg: This has come up with Yolanda and David Shaw. Understands the concept. This is a compact Town. Unsure of how a you transition from an ECOD to a non-ECOD. Doesn't think it's a bad idea, unsure of logistics.

Ms. O'Dell: Explained where small towns implement it successfully. One alternative is having a sign and decorative landscaping.

Mr. Padberg: Doesn't want to stop this but doesn't know how effective of a tool it could be. Concerned about transitions in and out of the district.

Review of previously discussed items:

Mr. Webb: Suggests bringing the B-1 ZTA as an action item for November, but also suggests reviewing again during the work session. Wants a recommendation made to Town Council at the next meeting. Asks about timeline of PMUD ZTA.

Ms. O'Dell: Agrees to advertise for a public hearing for the B-1 ZTA at November meeting. Makes PC aware that the PMUD ZTA applicants want to move forward as quickly as possible due to the pending Rezoning application to rezone the 26 acre site to the PMUD District. Planned for a public hearing in December for PMUD ZTA.

Mr. Webb: Satisfied with a December public hearing for PMUD ZTA.

Mr. Padberg: Confirms that the B-1 ZTA text amendment will go to public hearing in November. Decides to bring B-1 ZTA back for discussion for remaining work session. Not sure how the Town would handle a parking/storage yard. Concerned about enforcement in Town, specifically the challenge where nonconforming uses are in violation of the zoning ordinance. Does not see where this has any relation to the comprehensive plan.

Mr. Arshad: Confirms that a crane is sitting next door to 17785 Fraley. Concerned about parking since the lot is currently green space. Reminds us that the lot is almost entirely in the RPA.

Ms. O'Dell: There are constraints with the lot, especially with the size of the lot. The BZA wanted to work with them, but the intended use of the property must meet the zoning ordinance regulations. The intended use does not meet the zoning ordinance, which is why the ZTA has moved forward.

Mr. Webb: Questioned if the proposed use could be considered a redevelopment, but was reminded that there is still the concern about the use of parking dump trucks on the property.

Mr. Arshad: Concerned about vehicle entrance to the lot.

Mr. Padberg: Asks the size of the lot, to which Ms. Barr replies is just shy of a half an acre.

Mr. West: Asks if Ms. Barr's property straddles the creek, to which Ms. Barr replied that it did not.

Mr. Webb made the motion to close the work session, seconded by Mr. West, all were in favor. Work session closed at 6:55.

REGULAR MEETING 7:00 pm

Present: Waggy, Webb, Padberg, Shoa, Arshad, West, Miles

Public Hearing for CUP 2015-002, Spirit of Truth Deliverance Church:

Pastor Lary Brown: Spoke about his church.

Sherman Walker: Owner of 17792 Main Street. Supports application. Says they just want to worship the lord.

Mr. Padberg: Closed the public hearing at 7:03 pm.

Mr. Webb: Made a Motion: Recommended that the Town Council approve CUP 2015-02 Spirit of Truth Deliverance Church. Motion was seconded by Ms. Waggy. Mr. Webb confirmed that the parking met the Town Code parking regulations with 2 extra.

Ms. O'Dell: Indicated that the church meets during the hours that the other businesses are not in operation, which qualifies them for a credit allowance if it were needed in the future.

Mr. Padberg: Called for the question. All were in favor of the motion, vote was unanimous.

Public Hearing ZTA 2015-001, Surfacing of Parking:

No one was present to comment, hearing closed at 7:06.

Mr. Webb: Made a motion: motion that the PC recommend that Town Council approve ZTA 2015-001. Motion seconded by Ms. Shoa.

Mr. Padberg: called for question. All were in favor, vote was unanimous.

Mr. Arshad: Agrees that there should be more research with ECOD District. Wants to see how much area should be covered. Thinks it's a good point and wants to discuss it next time. Thinks that PMUD District is good, there are a lot of developers heading to Dumfries for this reason.


Mr. Webb: Enforces that Mr. Foote is very experienced in land use and he just wants to digest the ordinance a little more. Wanted to make sure everyone is aware that Mr. Foote is working for the Rezoning applicant. Agrees with the concept of the ordinance.

Mr. Padberg: Expressed concerns of minimum land area for PMUD District. Does not think that 10 acres will allow many developers to utilize the PMUD District.

Ms. O'Dell: Agrees that the acreage needs to be of a lesser area. Highlights the most recent CUP mixed use application that was only 5 acres, Parkside at Dumfries.

Mr. Webb: Expressed that it would be hard to find 10 contiguous acres to allow for another mixed use development in Town.

Mr. Padberg: Entertained a motion to adjourn. Ms. Waggy made motion to adjourn, seconded by Mr. Arshad, all were in favor. Meeting adjourned at 7:17pm.



Christopher Padberg, Chair